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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

HOELZLE et al.

Serial No. 10/090,763

Filed: March 6, 2002

For: PREPARATION OF CATALYSTS HAVING LOW VOLUME SHRINKAGE

Art Unit: 1754

Examiner: Medina

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, PO Box 1450, Alexandria, VA 22313-1450, on:

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Daniel Kim  
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Signature  
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Date of Signature

Honorable Comm'r. of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the office action of June 10, 2004, kindly enter and consider the following amendment and remarks:

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order, the present application 10/090,763 relates to a catalyst wherein the hardness is adapted by means of controlling the anion content of the catalyst. With regard to the provisions in claim 1 the present application "shaping and, if required, reducing and passivating the calcined catalyst precursor from stage (ii)" may be conducted "in any desired order." According to the teaching of the present application (10/090,763), it is therefore not critical at which stage of the catalyst preparation a reduction and subsequent passivation is conducted, and a person of ordinary skill would expect that the point in the preparation of catalyst at which the reduction and passivation is conducted is of no consequence with regard to the catalyst properties. Therefore, 10/090,762, does not render obvious the present claims. Favorable reconsideration of the examiner's position and withdrawal of the provisional obviousness-type double patenting rejection is therefore respectfully solicited.

It is requested that a three month extension of time be granted.

Applicants also herein submit a declaration pursuant to 37 CFR. 1.132.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,  
KEIL & WEINKAUF



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